

Appl. No. 09/824,548
Amdt. dated July 23, 2003
Reply to Office action of April 28, 2003

REMARKS

In view of both the amendments presented above and the following discussion, the Applicants submit that (a) none of the claims now pending in the above-identified application is rejectable under the provisions of 35 USC § 112 and (b) all objections to the claims based on the claims containing informalities have been obviated. Thus, Applicants believe that all of said pending claims are now in allowable form; and that the above-identified application is in condition for allowance.

If, however, the Examiner believes that there are any unresolved issues requiring adverse action (that is, non-allowability of any of the said pending claims) the Examiner is respectfully requested to contact Arthur L. Liberman at (732) 291-9434 or the FAX number (732) 872-1305 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Status of pending claims; and relationship thereof to previously-presented claims

Previously-presented rejected claims 6 and 11 and objected-to claim 7 have been canceled and replaced by claims 29-33.

Previously-presented allowed claims 1-5, 8-10, 12-15 and 23 have been retained in the case without change, except for correcting a typographical error in claim 5.

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Previously presented allowed claim 26 (which was dependent on canceled claim 16) has been replaced by newly-presented claim 34. Newly-presented claim 34 is identical to previously-presented claim 26 with the exception that it is no longer is dependent on claim 16 (which was canceled as a result of the response of December 9, 2002 to a restriction requirement) but is now dependent on allowed claim 1, and includes the "product-by-process" language, in whole, of previously-presented canceled claim 16.

Claim Objections

In the Office Action of April 28, 2003, previously-presented claims 6, 7 and 11, now replaced by claims 29-33 were objected to for the following reasons:

- (a) "ringopening" should read --ring-opening--; and
- (b) "caprolacton" should read --caprolactone--.

Appropriate corrections in the newly-presented claims have been made, thereby obviating the aforesaid objections.

Rejections

Rejection under 35 USC § 112

In ¶¶1 and 2 on page 2 of the Office Action of April 28, 2003, previously-presented claims 6 and 11 were rejected under 35 USC § 112 since the term "preferably" renders the claims vague.

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The phrases including the term "preferably" have been deleted from the claims which replace claims 6 and 11 (claims 29 and 31), and two additional newly-presented claims have been added whereby the "preferable" restrictions previously included in claims 6 and 11 are included in these additional claims (claims 32 and 33).

Accordingly, it is respectfully submitted that as a result of the aforementioned amendments, the rejection based on 35 USC § 112 has been obviated.

Allowable Subject Matter

In the "Office Action Summary" which is page 1 of the Office Action of April 28, 2003, it is indicated that claims 1-5, 8-10, 12-15, 23 and 26 are allowed.

Previously-presented claims 1-5, 8-10, 12-15 and 23 have been retained in the above-identified application without any changes, except for correction of a typographical error in claim 5.

Previously-presented claim 26 has been replaced by newly-presented claim 34.

As stated *supra*, newly-presented claim 34 is identical to previously-presented claim 26 with the exception that it is no longer is dependent on claim 16 (which was canceled as a result of the response of December 9, 2002 to a restriction requirement) but is now

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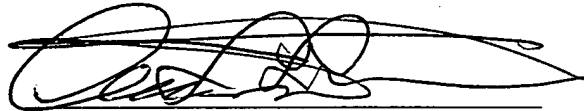
dependent on allowed claim 1, and includes the
"product-by-process" language, in whole, of
previously-presented canceled claim 16.

Conclusion

Thus, Applicants respectfully submit that each of
the said pending claims now fully satisfies the
requirements of 35 USC § 112.

Accordingly swift passage to issue of the
above-identified application is earnestly solicited.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Arthur L. Liberman', written over a horizontal line.

July 23, 2003

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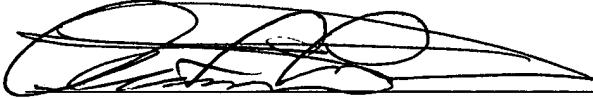
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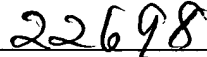
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CERTIFICATE OF MAILING under 37 C.F.R. 1.8(a)

I hereby certify that this correspondence is being deposited on **July 24, 2003** with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to the Mail Stop Non-Fee Amendment, Commissioner for Patents, Alexandria, VA 22313-1450.

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Signature

The handwritten number "22698" in black ink, written over a horizontal line.

Reg. No.